

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

D&T PARTNERS, LLC, successor-in-interest to ACET Venture Partners, LLC, <i>et al</i> <i>Plaintiff,</i> v. BAYMARK PARTNERS, LP, <i>et al.</i> , <i>Defendants.</i>	§ § § § § § § § § §	Civil Cause: 3:21-CV-1171-B
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**ORDER GRANTING WINDSPEED EMPLOYEES’ MOTION TO DISMISS
SECOND AMENDED COMPLAINT CLAIMS PURSUANT TO RULE 12(b)(6)**

CAME ON FOR CONSIDERATION the motion filed by defendants Ms. Zhexian Lin (“Lin”), Ms. Dana Marie Tomerlin (“Tomerlin”), Ms. Padasamai Vattana (“Vattana”); Ms. Vanessa Torres (“Torres” and together with Lin, Tomerlin and Vattana the “Windspeed Employees”) styled *Windspeed Employees’ Motion to Dismiss Second Amended Complaint Claims Pursuant to Rule 12(b)(6)* (the “Motion”) filed on July 22, 2022 at docket no. _____. Upon consideration of the Motion and accompanying brief in support, the Court finds and concludes as follows:

- A. The Motion was properly served and no further service is necessary.
- B. The Court has jurisdiction over the matter and has authority to enter this Order.
- C. Good and sufficient cause exists for entry of this Order.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED that:

- 1. The Motion is hereby **GRANTED**.
- 2. The RICO Claims asserted in Counts I-III by Plaintiffs in its Second Amended Complaint against the Windspeed Employees in this action, whether directly and/or derivatively

asserted, are hereby dismissed with prejudice for failure to state a claim upon which relief can be granted.

3. The state law claims asserted in Counts IV-IV¹ (the “State Law Claims”) by Plaintiffs against the Windspeed Employees, whether directly and/or derivatively asserted, are dismissed with prejudice for failure to state a claim upon which relief can be granted.
4. This Order disposes of all claims asserted against the Windspeed Employees in this action and is final and appealable.

Dated: _____

HON. JANE J. BOYLE;
UNITED STATES DISTRICT JUDGE:

¹ Count IV appears to be mis-identified as “Count VIX” in the Second Amended Complaint.